THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 7347 OF 2006

Date: 17.04.2006

Between:

Smt. V. Devamma.

… Petitioner.

And

The Commissioner & Director of School Education, A.P., Hyderbad and four others.

… Respondents.

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 7347 OF 2006

ORDER:

Heard Sri S. Lakshma Reddy, learned Counsel for the petitioner and the learned Government Pleader for School Education and at their request, the writ petition is disposed of at the stage of admission.

2. The short question which arises for consideration is as to whether the appellate authority, the Director of School Education has considered the objections raised by the petitioner in his appeal. In his appeal filed before the appellate authority, (The Commissioner & Director of School Education, A.P.,

Hyderabad), the petitioner herein categorically stated that one drawing master, junior to him, was available in the same school and that as per G.O.Ms.No. 103 dated 15.08.2005, more particularly clause 6 thereof, the junior most in the school is required to be identified as a surplus teacher and it is only in case the senior teacher prefers, would he be identified as surplus.

3. Learned Government Pleader for School Education would contend before this Court that the petitioner is a crafts teacher, that the said post is different from that of a drawing teacher and that a drawing teacher in the 5th respondent school cannot be considered as junior to the petitioner.

4. The fact, however, remains that the appeal preferred by the petitioner, under the provisions of A.P. Education Act, is required to be considered and dealt with by the appellate authority in accordance with law. The objections raised by the petitioner in this regard have not been considered nor has the appellate authority assigned reasons for not considering the said objections.

5. Sri S. Lakshma Reddy, learned Counsel for the petitioner, also points out that several other objections raised by the petitioner in his appeal have not been considered by the appellate authority. Needless to state that the power exercised by the Commissioner and Director of School Education, under the A.P. Education Act, is quasi-judicial in nature and, while considering the appeal preferred by the petitioner herein, the appellate authority is bound to deal with the contentions raised and to assign reasons therefor. Since the order of the appellate authority reveals that the objections raised by the petitioner have not been entirely met, the said order dated 07.03.2006 suffers from non-application of mind and is required to be set aside. The impugned order dated 07.03.2006 is set aside leaving it open to the appellate authority to examine the matter afresh and to pass orders in accordance with law.

6. The writ petition is disposed of accordingly.

Date: 17.04.2006 RAMESH RANGANATHAN, J

Note: Issue operative portion tomorrow.

B/o

MRKR